

Message Text

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PAGE 01 BUCAR 04130 01 OF 03 130647Z

12

ACTION EUR-25

INFO OCT-01 ISO-00 PM-07 NSC-10 SPC-03 SS-20 RSC-01 L-03

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FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC PRIORITY 6935

LIMITED OFFICIAL USE SECTION 1 OF 3 BUCHAREST 4130

E.O. 11652: N/A

TAGS: EFIS, RO

SUBJ: FISHERIES AGREEMENT

REF: BUCHAREST 4111

1. THERE FOLLOWS THE GOR COUNTERPROPOSAL TO OUR ORIGINAL
DRAFT ON
FISHERIES AGREEMENT IN ROMANIAN. ALSO INCLUDED IS AN UNOFFICIAL ENGLISH

LANGUAGE TRANSLATION OF THE ROMANIAN DRAFT PREPARED BY
THE EMBASSY. WE WOULD APPRECIATE RECEIVING THE DEPARTMENT'S
COMMENTS AT AN EARLY DATE FOR FURTHER DISCUSSION WITH GOR
OFFICIALS.

2. ROMANIAN LANGUAGE DRAFT:

CONTRAPROIECT R.S.R.

ACORD

INTRE GUVERNUL REPUBLICII YOCIALISTE ROMANIAN SI GUVERNUL
STATELOR UNITE ALE AMERICII CU PRIVIRE LA PESCUITUL IN PARTEA
VESTICA A OCEANULUI ATLANOC MIJLOCIU.

GOVERNUL REPUBLICII SOCIALISTE ROMANIA SI GUVERNUL
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PAGE 02 BUCAR 04130 01 OF 03 130647Z

STATELOR UNITE ALE AMERICII RECONOSCIND NECESITATEA DESFASURARII

PESCUITULUI PE BAZE REATIONALE, IN CONCORDANTA CU STOCURILE DE PESTE EXISTENTE SI CU REZULTATELE CERCETARILOR STIINTIFICE SI TININD SEAMA DE NECESITATEA LARGIRII SI COORDONARII CERCETARILOR STIINTIFICE, TEHNICE SI ECONOMICE IN DOMENIUL PESCUITULUI PRECUM SI PENTRU EFECTUAREA UNOR SCHIMBURI RECIPROCE ASUPRA RESULTATELOR ACESTOR CERCETARI;

AU FOST DE ACORD ASUPRA URMATOARELOR PREVEDERI:

ARTICOLUL 1

1. PREVEDERILE PREZENTULUI ACORD SE APLICA IN ZONA INTERNATIONALA A APELOR OCEANULUI ATLANTIC, IN FATA COASTELOR STATELOR UNITE ALE AMERICII SI ESTE DELIMITATA DE LATITUDINILE NORDICE . . .

ARTICOLUL 2

1. GUVERNUL REPUBLICII SOCIALISTE ROMANIA SE GOVERNUL STATELOR UNITE ALE AMERICII, CONSIDERA CA ESTE DE DORIT SA IS MASURI PENTRU ORGANIZAREA CERCETARILOR STIINTIFICE REFERITOARE LA SPECIILE DE PESTE CARE INTERESEAZA AMBELE PARTI. ASTFEL DE CERCETARI VOR FI EFECTUATE IN CONCORDANTA CU PROGRAMELE NATIONALE SI CU PROGRAMELE DE CERCETARI STABILITE DE COMUN ACORD INTRE PARTI.

2. INSTITUTIILE COMPETENTE ALE AMBELOR GOVERNE VOR ASIGURA:

A/. SCHIMBUL DE DATE STIINTIFICE, TEHNICE ECONOMICE, STATISTICE SI DE PUBLICATII, PRECUM SI AL REZULTATELOR CERCETARILOR ASUPRA PESCUITULUI DIN ZON DELIMITATA DE ACORD;

B/. EXTINDEREA INTILNIRILOR DINTRE OAMENII DE STIINTA SI SPECIALISTII DIN AMBELE TARI, PRECUM SI PARTICIPAREA OAMENILOR DE STIINTA AI UNEIA DIN TARI, LA CERCETARILE ASUPRA PESCUITULUI, INTREPRINSE DE NAVELE CELEILALTE TARI.

3. FIECARE GUVERN VA LUA MASURILE CORESPUNZATOARE IN SCOPUL ASIGURARII UNEI STRINSE COLABORARI INTRE INSTITUTIILE SPECIALIZATE IN DOMENIUL CERCTARILOR ASUPRA PESCUITULUI.

ARTICOLUL 3

1. FIECARE GUVERN VA LUA MASURILE CORESPUNZATOARE PENTRU MENTINEREA STOCURILOR DE PESTE. IN ACEST SCOP, FIECARE GUVERN VA INTERZICE CETATENILOR SI NAVELOR PROPRII SA EFECTUEZE PESCUITUL IN ZONELE SI IN PERIOADELE PREVAZUTE IN MASURILE DE REGLEMENTARE IN VIGOARE, APLICATE IN CADRUL CONVENTIEI INTERNATIONALA PENTRU PESCUITUL IN NORD-VESTUL OCEANULUI ATLANTIC (I.C.N.A.F.), SEMNATA LA WASHINGTON LA 8 FEBRUARIE 1949.

DE ASEMENEA, IN SCOPUL MENTINERII STOCURILOR DE PESTE SI LIMITED OFFICIAL USE

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PAGE 03 BUCAR 04130 01 OF 03 130647Z

A ALTOR ANIMALE ACVATICE, GUVERNUL REPUBLICII SOCIALISTE ROMANIA SI GUVERNUL STATELOR UNITE ALE AMERICII, VOR PUTEA STABILI DE COMUN ACORD SI ALTE MASURI PENTRU PROHIBIREA PESCUITULUI IN ZONELE VESTICE ALE OCEANULUI ATLANTIC MIJLOCUI.

2. PREVEDERILE ACESTUI ARTICOL NU SE VOR APLICA NAVELOR DE PESCUIT AVIND O LUNGIME MAI MICA DE 110 PICIOARE (33,5 M) SI NAVELOR CARE PESCUIESC CRUSTACEE SI MOLUSTE.

ARTICOLUL 4

AMBELE GUVERNE VOR LUA MASURILE NECESARE PENTRU CA PESCUITUL
IN APELE DELIMITATE DE PREZENTUL ACORD SA SE EFECTUEZE DE
CATRE CETATENII SI NAVELE DE PESCUIT RESPECTIVE IN ASTFEL
DE CONDITII, INCIT SA ASIGURE STOCURILE DE PESTE.

ARTICOLUL 5

1. NAVELE DE PESCUIT ALE REPUBLICII SOCIALISTE ROMANIA POT
EFECTUA OPERATII DE INCARCARI - DESCARCARI, INTR-O ZONA
DE PESCUIT DE 9 MILE, LA APELE TERITORIALE ALE STATELOR
UNITE ALE AMERICII, IN ARII STABILITE DE COMUN ACORD.

2. NAVELE DE PESCUIT ROMANESTI POT EFECTUA ASTFEL DE OPERATII
DE INCARCARI - DESCARCARI CU ALTE NAVE ROMANESTI SAU NAVE ALE
ALTOR STATE CU CARE STATELE UNITE ALE AMERICII MANTIN RELATII
DIPLOMATICE, CU CONDITIA CA ACESTEA DIN URMA SA AIBA INTELEGERI
DE NAYOSIRE CU O INTREPRINDERE ROMANA DE PSECUIT, PENTRU ASTFEL
DE OPERATIUNI.

ARTICOLUL 6

1. FIECARE GUVERN VA FACILITA INTRAREA IN PORTURILE SALE
DESCHISE, A NAVELOR DE PESCUIT, A NAVELOR FRIGORIFICE DE TRANSPORT
SI A CELOR DE CERCETARE IN DOMENIUL PESCUITULUI, ACESTEA BENEFICIIND,
PE BAZA DE RECIPROCATATE, DE REGIMUL CE MAI FAVORABIL DE CARE
BENEFICIAZA IN PORT NAVELE DE PESCUIT ALE ALTOR TARI.
ACEASTA VA INCLUDE ASIGURAREA APROVIZIONARII CU APA, COMBUSTIBIL,
PROVIZII SI POSIBILITATEA EFECTUARII DE REPARATII, PRECUM SI
PROCEDURA DE OBTINERE A VIZELOR ECHIPAJELOR PENTRU NAVELE
SUSMENTIONATE.

2. AMBELE PARTI CONTRACTANTE VOR PERMITE SCHIMBAREA MEMBRILOR
ECHIPAJELOR ACESTOR NAVE, IN PORTURILE CE SE VOR STABILI DE
COMUN ACORD, FIECARE DIN PARTILE CONTRACTANTE AVIND FACULTATEA
DE A-SI ALEGE MODUL DE TRANSP
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PAGE 01 BUCAR 04130 02 OF 03 130144Z

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P 121250Z NOV 73

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LIMITED OFFICIAL USE SECTION 2 OF 3 BUCHAREST 4130

3. PENTRU REZOLVAREA PROBLEMELOR LEGATE DE OPERATINUNILE PREVAZUTE IN ART.5 SI IN PREZENTUL ARTICOL, GUVERNUL SUA ACCEPTA FUNCTIONAREA PE TERITORIUL SAU A UNUI REPREZENTANT PERMANENT AL ARMATORULUI ROMAN.

ARTICOLUL 7

1. AMBELE GUVERNE AU CAZUT DE ACORD SA ORGANIZEZE SI SA APLICE EFECTIV SISTEMUL VOLUNTAR DE CONTROL ACCEPTAT IN CADRUL CONVENTIEI ICNAF, ASTFEL CUM ESTE PRECIZAT IN SCHEMA INTERNATIONALA DE CONTROL ADOPTATAONF COMISIA INFIINTATA PRIN ACEASTA CONVENTIE. SISTEMUL ESTE CEL STABILIT IN ANEXA LA PREZENTUL ACORD, SI FACE PARTE INTEGRANTA DIN ACESTA.

ARTICOLUL 8

1. AMBELE GUVERNE CONSIDERA CA ESTE FOLOSITOARE ORGANIZAREA UNOR VIZITE RECIPROCE ALE SPECIALISTILOR DE PE NAVELE DE PESCUIT CE ACTIVEAZA IN ZONELE PREVAZUTE DE ACEST ACORD. ASEMENEA VIZITE POT FI ORGANIZATE PE BAZA ACORDULUI DAT IN FIECARE CAZ IN PARTE DE CATARE DIRECTORUL REGIONAL AL BIRCOULUI COMERCIAL AL PESCARILOR STATELOR UNITE ALE AMERICII DIN GLOUCESTER - MASSACHUSETTS SI DE CONDUCATORUL CENTRALEI DE PESCUIT OCEANIC - NAVROM TULCEA, IN CADRUL COMPETENTEI LOR.

ARTICOLUL 9

1. NIMIC DIN ACEST ACORD NU VA FI INTERPRETAT CA PREJUDICIIND PARERILE FIECARUI GUVERN CU PRIVIRE LA LIBERTATEA PESCUITULUI LIMITED OFFICIAL USE
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PAGE 02 BUCAR 04130 02 OF 03 130144Z

IN LARGUL MARILOR.

ARTICOLUL 10

1. REPREZENTANTII AMBELOR GUVERNE SE VOR REUNI LA TERMENE STABILITE DE COMUN ACORD, PE RIND IN FIECARE DIN TARI, PENTRU A EXAMINA EFECTELE APLICARII ACORDULUI SI A DECIDE ASUPRA UNOR VIITOARE REGLEMENTARI.

ARTICOLUL 11

1. PREZENTUL ACORD VA INTRA IN VIGOARE PROVIZORIU LA DATA SEMNARII LUI.
INTRAREA IN VIGOARE DEFINITIVA A ACORDULUI VA AVEA LOC LA DATA CIND PARTILE CONTRACTANTE ISI VOR FI COMUNICAT RECIPROC INDEPLINIREA FORMALITATILOR CERUTE DE LEGILE LOR INTERNA REFERITOARE LA INCHEIEREA SI INTRAREA IN VIGOARE A ACORDURILOR INTERNATIONALE.

2. PREZENTUL ACORD ESTE INCHEIAT PENTRU O PERIOADA DE ANI SI SE PRELUNGESTE PE ACELEASI PERIOADE DE TIMP, IN CAZUL CIND NU ESTE DENUNTAT DE UNA DIN PARTI CU 6 LUNI INAINTEA DATEI DE EXPIRARE A VALABILITATII SALE.
DREPT CARE, SUBSEMNIATII FIIND PE DEPLIN AUTORIZATI PENTRU ACEST SCOP, AM SEMNAT PREZENTUL ACORD IN LIMBILE ENGLEZA SI ROMANA, AMBELE TEXTE FIIND AUTENTICE, LA

ASTAZI

PENTRU GUVERNUL PENTRU GUVERNUL
STATELOR UNITE ALE AMERICII REPUBLICII SOCIALISTE ROMANIA

3. UNOFFICIAL ENGLISH TRANSLATION:

AGREEMENT

BETWEEN THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING
FISHERIES IN THE WESTERN REGION OF THE MIDDLE ATLANTIC OCEAN.

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA, RECOGNIZING
THE NECESSITY OF CONDUCTING FISHERIES ON A RATIONAL BASIS, IN
CONFORMITY WITH EXISTING STOCKS OF FISH AND THE RESULTS OF
SCIENTIFIC RESEARCH, AND TAKING INTO ACCOUNT THE NEED FOR
WIDENING AND COORDINATING SCIENTIFIC, TECHNICAL AND ECONOMIC
RESEARCH IN THE FIELD OF FISHERIES AND FOR THE MUTUAL EXCHANGE
OF THE RESULTS OF SUCH RESEARCH,

AGREE AS FOLLOWS:

ARTICLE 1

1. THE PROVISIONS OF THE PRESENT AGREEMENT APPLY TO THE INTER-
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PAGE 03 BUCAR 04130 02 OF 03 130144Z

NATIONAL AREA OF THE WATERS OF THE ATLANTIC OCEAN ADJACENT TO
THE COAST OF THE UNITED STATES OF AMERICA AND DELINEATED BY THE
NORTH LATITUDES . . .

ARTICLE 2

1. THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONSIDER IT
DESIRABLE TO TAKE MEASURES TO ORGANIZE SCIENTIFIC RESEARCH
PERTAINING TO THE SPECIES OF FISH OF INTEREST TO BOTH PARTIES.
SUCH RESEARCH WILL BE CONDUCTED ACCORDING TO NATIONAL PROGRAMS
AS WELL AS MUTUALLY AGREE RESEARCH PROGRAMS.

2. THE COMPETENT INSTITUTIONS OF BOTH GOVERNMENTS SHALL ENSURE
THE FOLLOWING:

A. AN EXCHANGE OF SCIENTIFIC, TECHNICAL, ECONOMIC
AND STATISTICAL DATA, PUBLICATIONS AND THE RESULTS OF FISHERY
RESEARCH CONCERNING THE AREA COVERED BY THIS AGREEMENT;

B. THE FACILITATION OF MEETINGS OF SCIENTISTS AND
SPECIALISTS OF BOTH COUNTRIES AS WELL AS THE PARTICIPATION
OF THE SCIENTISTS OF ONE COUNTRY IN FISHERY RESEARCH CONDUCTED
BY THE VESSELS OF THE OTHER COUNTRY.

3. EACH GOVERNMENT SHALL TAKE THE APPROPRIATE MEASURES TO
ASSURE CLOSE COOPERATION AMONG SPECIALIZED INSTITUTIONS IN
THE FIELD OF FISHERY RESEARCH.

ARTICLE 3

1. EACH GOVERNMENT WILL TAKE APPROPRIATE MEASURES FOR THE
PURPOSE OF MAINTAINING THE FISH STOCKS. FOR THIS REASON, EACH
GOVERNMENT SHALL PROHIBIT PERSONS AND SHIPS UNDER ITS JURISDIC-
TION FROM FISHING IN THE AREAS AND IN THE PERIODS STIPULATED
IN THE REGULATORY MEASURES IN FORCE, AS APPLIED IN THE FRAME-
WORK OF THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC
FISHERIES (ICNAF), SIGNED IN WASHINGTON D.C. ON FEBRUARY 8, 1949.

AT THE SAME TIME, IN ORDER TO MAINTAIN THE STOCKS OF FISH
AND OTHER AQUATIC ANIMALS, THE GOVERNMENT OF THE SOCIALIST
REPUBLIC OF ROMANIA AND THE GOVERNMENT OF THE UNITED STATES OF

AMERICA MAY ESTABLISH BY MUTUAL AGREEMENT OTHER MEASURES TO
PROHIBIT FISHING IN
THE WESTERN PART OF THE MIDDLE ATLANTIC
OCEAN.

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PAGE 01 BUCAR 04130 03 OF 03 130629Z

12

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P 121250Z NOV 73

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LIMITED OFFICIAL USE SECTION 3 OF 3 BUCHAREST 4130

2. THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO VESSELS
UNDER 110 FEET IN LENGTH AND TO VESSELS FISHING FOR CRUSTACEA
OR MULLUSKS.

ARTICLE 4

BOTH GOVERNMENTS WILL TAKE APPROPRIATE MEASURES TO ASSURE
THAT THEIR CITIZENS AND VESSELS WILL, IN THE WATERS COVERED BY
THIS AGREEMENT, CONDUCT THEIR FISHING WITH DUE REGARD FOR THE
CONSERVATION OF THE STOCKS OF FISH.

ARTICLE 5

1. ROMANIAN FISHING VESSELS MAY CONDUCT LOADING OPERATIONS
IN THE WATERS OF THE NINE-MILE FISHERY ZONE CONTIGUOUS TO THE
TERRITORIAL SEA OF THE UNITED STATES OF AMERICA IN AREAS
ESTABLISHED BY MUTUAL AGREEMENT.

2. ROMANIAN FISHING VESSELS MAY CONDUCT SUCH LOADING
OPERATIONS WITH OTHER ROMANIAN VESSELS AND VESSELS OF OTHER
STATES WITH WHICH THE UNITED STATES MAINTAINS DIPLOMATIC
RELATIONS, PROVIDED THAT THE LATTER VESSELS ARE UNDER CHARTER
OR CONTRACT TO A ROMANIAN FISHING COMPANY FOR SUCH LOADING

OPERATIONS.

ARTICLE 6

1. EACH GOVERNMENT WILL FACILITATE THE ENTRY INTO ITS OPEN
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PAGE 02 BUCAR 04130 03 OF 03 130629Z

PORTS OF FISHING VESSELS, FREEZING TRANSPORT VESSELS AND FISHERY
RESEARCH VESSELS, THESE VESSELS BENEFITTING ON THE BASIS OF
RECIPROCITY FROM THE MOST FAVORED REGIME GRANTED IN PORTS TO
THE FISHING VESSELS OF OTHER COUNTRIES. THIS SHALL INCLUDE
THE PROVIDING OF FRESH WATER, FUEL, PROVISIONS, THE POSSIBILITY
OF CARRYING OUT REPAIRS, AND THE PROCEDURE FOR OBTAINING CREW
VISAS FOR THE ABOVE-MENTIONED VESSELS.

2. EACH CONTRACTING GOVERNMENT WILL PERMIT THE EXCHANGE OF
CREW MEMBERS OF THESE VESSELS, IN PORTS WHICH WILL BE ESTABLISHED
BY MUTUAL AGREEMENT, EACH OF THE CONTRACTING GOVERNMENTS HAVING
THE OPPORTUNITY TO CHOOSE FOR ITSELF THE MEANS OF TRANSPORTATION
USED FOR THIS OPERATION. CREW MEMBERS INVOLVED IN THESE
EXCHANGES CAN REMAIN IN THE RESPECTIVE PORT AREA FOR A PERIOD
OF SIX DAYS.

3. IN ORDER TO RESOLVE THE PROBLEMS CONNECTED WITH THE
OPERATIONS DESCRIBED IN ARTICLE 5 AND IN THE PRESENT ARTICLE,
THE GOVERNMENT OF THE UNITED STATES OF AMERICA ACCEPTS THE
FUNCTIONING WITHIN ITS TERRITORY OF A PERMANENT REPRESENTATIVE
OF THE ROMANIAN SHIPOWNER.

ARTICLE 7

1. BOTH GOVERNMENTS AGREED TO IMPLEMENT A VOLUNTARY ENFORCE-
MENT SYSTEM ACCEPTED BY THE INTERNATIONAL CONVENTION FOR THE
NORTHWEST ATLANTIC FISHERIES, MODELED ON THE SCHEME OF JOINT
INTERNATIONAL ENFORCEMENT ADOPTED BY THE COMMISSION ESTABLISHED
BY THIS CONVENTION. THIS SYSTEM IS SET FORTH IN THE ANNEX
TO THIS AGREEMENT AND CONSTITUTES AN INTEGRAL PART OF THE
AGREEMENT.

ARTICLE 8

1. BOTH GOVERNMENTS CONSIDER IT USEFUL TO ARRANGE FOR VISITS
OF FISHERIES SPECIALISTS OF THE TWO COUNTRIES TO EACH OTHER'S
FISHING VESSELS OPERATING IN THE AREA COVERED BY THIS
AGREEMENT. SUCH VISITS MAY BE ARRANGED AS MUTUALLY AGREED
IN EACH PARTICULAR CASE BY THE REGIONAL DIRECTOR OF
THE UNITED STATES NATIONAL MARINE FISHERIES SERVICE IN
GLOUCESTER, MASSACHUSETTS AND THE DIRECTOR OF THE OCEAN
FISHING CENTRAL -- NAVROM TULCEA, WITHIN THEIR COMPETENCE.

ARTICLE 9

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PAGE 03 BUCAR 04130 03 OF 03 130629Z

1. NOTHING IN THIS AGREEMENT SHALL BE INTERPRETED AS
PREJUDICING THE VIEWS OF EITHER GOVERNMENT WITH REGARD TO THE
FREEDOM OF FISHING ON THE HIGH SEAS.

ARTICLE 10

1. REPRESENTATIVES OF BOTH GOVERNMENTS SHALL MEET AT TIMES
ESTABLISHED BY MUTUAL AGREEMENT, ALTERNATING IN EACH COUNTRY,
TO EXAMINE THE EFFECTS OF THE APPLICATION OF THE AGREEMENT
AND TO DECIDE ON FUTURE ADJUSTMENTS.

ARTICLE 11

1. THE PRESENT AGREEMENT SHALL ENTER INTO PROVISIONAL
FORCE ON THE DATE OF SIGNATURE. THE AGREEMENT SHALL ENTER INTO
FORCE PERMANENTLY ON THE DATE WHEN THE CONTRACTING PARTIES
COMMUNICATE TO EACH OTHER THE COMPLETION OF THE FORMALITIES
REQUIRED BY THEIR INTERNAL LEGISLATION REGARDING THE CONCLUSION
AND ENTRY INTO FORCE OF INTERNATIONAL AGREEMENTS.

2. THE PRESENT AGREEMENT SHALL REMAIN IN FORCE FOR A PERIOD
OF ----YEARS AND SHALL BE PROLONGED FOR AN EQUAL PERIOD OF
TIME IF NEITHER OF THE PARTIES DENOUNCES IT SIX MONTHS
BEFORE THE DATE OF THE EXPIRATION OF ITS VALIDITY.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY
AUTHORIZED FOR THIS PURPOSE, HAVE SIGNED THIS AGREEMENT IN
ENGLISH AND ROMANIAN, BOTH TEXTS BEING AUTHENTIC, TODAY THE
-----.

FOR THE GOVERNMENT OF	FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA	THE SOCIALIST REPUBLIC
	OF ROMANIA
MARTENS	

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